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PRACTICAL PENOLOGY.

THE number of criminals in California, when considered with reference to the entire population, is so large that the problem of criminal reform has become one of salient importance to the individual taxpayer in that State. The climatic and social causes of the unusual proportion of offenders have for some time occupied the attention of the advanced physiologists of the commonwealth, and have been satisfactorily located. It has also been discovered that those causes will be temporary, and are results of the newness of the California civilization. The word physiologists is used advisedly, for the reason that among the penological investigators, there, the cure of crime has come to be regarded as a physiological, rather than a psychological problem, and this fact has given rise to a somewhat novel and eminently practical prison system, which it is the purpose of this paper to describe.

The Folsom State Prison, the smaller of California's two penitentiaries, is located in the uplands at the head of the American River, in the central portion of the State. It is handsomely built of granite, and at the present time contains about six hundred and fifty inmates. It was constructed seven years ago, according to the accepted principles in prison architecture, and in the directions of cell arrangement, ventilation, sanitary precautions, etc., does not differ materially from other modern institutions of its kind. The necessities of public economy, and the difficulty in getting legislatures to accord to criminal matters the attention they deserve, have hitherto compelled an undue crowding of the prisoners, and otherwise interfered to some extent with the theoretical plan. These interferences, however, will probably soon disappear, and in any event do not concern this article, since it is the system alone that is of interest.

That system aims only at the reform of the individual. It is based, not upon the belief, but upon the demonstrable truth, that all crimes—except those born of sudden impulse and extraordinary circumstances, a small percentage at best—are caused either by bad health or bad moral, not general, education. It regards the law-abiding man as one who, through the fixed physical habit of toil, finds it no great hardship to labor for a livelihood ; and, through the fixed mental habit of submitting to the established social and moral laws, finds it no great hardship to be curbed by them in his daily pursuit of happiness.

Per contra, the criminal is defined as one who, not having formed the self-sacrificing habit of work ; or having become by some physical degeneracy predisposed to idleness and morbid impulses ; or having no moral ideas, or else erroneous ones, finds through some or all of these causes the laws of society to be an uncomfortable curb, and so breaks them. To remove the fundamental differences between the criminal and the law-abiding man, the system therefore aims, first, to make the prisoner physically sound ; secondly, to fix in him physically the habit of toil, which includes the willful sacrifice of comfort during eight hours of the day and six days of the week ; and, thirdly, to convince him that his personal happiness depends upon his obedience to the laws. To teach him, in other words, the lesson of right and wrong, not from the religious, sentimental, or relative, but from the practical, personal, and absolute point of view.

When the sentenced offender arrives at the institution where he is to remain for one or more years, he is stripped, his description is taken, and he is photographed, both before and after the cutting of his hair and the shaving of his face. He then takes a tank bath, dons the prison suit, and goes to his cell. He takes his meals with the other new arrivals and “ first-table ” prisoners. He is not allowed outside the building, and, with the exception of the rules which are told him, is left to discover for himself the conditions by which he is surrounded.

The two long cell-buildings are built in two tiers each and are entirely inclosed by an outside stone and iron structure. There are wide promenades between the walls, and in these the prisoner is allowed a certain amount of liberty each day. The first discovery he makes is that the great majority of the prisoners go out each morning and enjoy the air, the landscape, and the sunshine,

while he is allowed only that meager share of the sunlight which sifts through the gratings in wall and roof. He quickly perceives a second and more important fact. He is allowed three meals a day, which are as follows :

Breakfast :—Boiled beans, bread, and coffee.

Dinner :—One day in the week, corned beef and cabbage ; two days, roast mutton ; two days, beef or mutton stew, with potatoes ; two days, roast beef, with potatoes ; and bread and coffee daily.

Supper :—Three days in the week, boiled beans ; three days in the week, mush and syrup ; coffee and bread daily.

All coffee herein mentioned is sweetened, but without milk.

This is the regulation prison fare. The meat is furnished by contract, is good, and is thoroughly cooked. It is not believed that the beef would do to serve *à la moelle* at Delmonico's, or that the mutton would melt in any epicure's mouth, but it is nutritious and edible. It quickly becomes quite unpalatable to the prisoner, however, in view of certain facts.

Through the large room in which he eats, there constantly float the odors of beefsteaks, mutton chops, bread-puddings, and other savory foods, and these odors are as quickly and clearly segregated by the sharpened sense of the prisoner as are the component factors of an orchestral strain by an expert musician. He instantly experiences a sense of injustice. Convicts are very sensitive to unfairness of any kind. He is naturally extremely desirous in his limited sphere of happiness to get all the comforts within reach. He wants the air, the liberty of the grounds, and, above all, good things to eat. The palate is a potent means of influencing the great majority of men, but with the convict, as may be imagined, is far more influential than with any other class. He inquires, with interest, the meaning of those, Lucullan banquets, his invitation to which has been overlooked, and learns that the luxurious diners are all workers, and are entitled to the extras only through their toil. In a very short time, a few days as a rule, the convict comes to the conclusion, of his own accord, that he wishes to work. There are cases in which the prisoner's apathy and indifference to surroundings place him beyond the reach of this temptation, and these are met by special treatment, but they are too few in number to need consideration here.

Herein, it may be remarked, an important obstacle has been overcome. The desire to work is, to the average prisoner, a new

sensation. It was a natural and fostered desire to escape work which probably impelled him to crime. Moreover, there has been no coercion, which most prisoners resent, the first impulse of the social Ishmaelite being to defy and oppose all authority. Furthermore, in the cases of prisoners sentenced for life, it is otherwise well-nigh impossible to induce them to work, since a man sentenced to prison for life is usually indifferent to results, and willing to make things as unpleasant for the authorities as he can.

The average convict, having thus become desirous of working, obtains permission and is allowed an interview with Benjamin Chambers, the Captain of the Guard. The Captain examines him as to his strength and ability, informs him concerning his value, from the working standpoint, but gives him a chance among the workers, making it perfectly clear that the prisoner's comfort while incarcerated depends entirely upon himself. Then the convict is set at work in the yard.

This yard, in which the chief industry of the prison is carried on, is an immense quarry. The hills in the vicinity are masses of solid granite of the best quality, and this is of appreciable benefit to the system. Working on stone is an excellent kind of employment from the sanitary standpoint. It employs all the muscles to a greater or less degree, and taxes the system harmoniously. It takes place in the open air and the light of the sun, and is, consequently, to be preferred to work indoors at looms or benches. In fact, no kind of labor can be found which sooner transforms the pale prisoner, weak from incarceration and degenerated by the use of alcoholic or narcotic stimulants, into a strong, sturdy, and healthy man than swinging a hammer over a block of stone in the pure air and bright sunshine of Central California. It should be said, however, that the system applies equally well to all kinds of labor, as long as labor can be found for prisoners. Stone work is not a necessity. It is merely preferable to some other industries.

The prisoner is put at work, and immediately given a place at the second table. His *menu* is now a little more varied, and consists as follows :

Breakfast :—Beef or mutton stew, potatoes, boiled beans, bread and coffee. On Sunday mornings, syrup.

Dinner :—Two days in the week, soup of barley, macaroni, beans, or of rice and vegetables ; one day, corned beef and cab-

bage ; two days, roast beef ; four days, roast mutton ; two days, boiled rice ; bread, potatoes, and boiled beans daily. On Sunday, cake and tea.

Supper:—Two days in the week, mutton stew ; four days in the week, mush and syrup ; beans, bread, and tea, daily.

The prisoner comes to this luxurious array of comestibles with an appetite sharpened by labor. The open air, exercise, mental awakening, and stimulated circulation, have aroused him and made him hungry. The new repasts are so much enjoyed that they sometimes take on a fictitious in addition to their substantial value. The ascent from the first to the second table becomes a memorable event, and the impulse and resolve to work tend to become fixed. In the language of many of them, “Any feller wot don’t work is a fool,” and that, it may be remarked, is precisely the conviction that the system aims to establish.

The convict, as a rule, is not primarily of much value as a laborer. His muscles are soft, and his physical capacity for steady and sustained effort is small. His powers of self-sacrifice and self-restraint are undeveloped. The habit of work, to which the social plan condemns all men, he never has attained. But no one is better informed concerning his failings than the prisoner himself. He has a strong and sharp spur, which urges him to escape forever from the “Bull Beef” table, and dwell in peace and plenty under the banner of “Cake ’n Tea.”

The result is that he tries hard ; in some cases overworks at first. A spirit of emulation, a most healthy moral sign, is excited in him. He compares his rude and meager achievements with those of skilled workers who began as he did, untrained, and his ambition to improve is strong. He improves steadily in skill, and more rapidly in health. His muscles harden, his face browns, and a stimulated circulation, from the best of medicines, exercise, is changing the color of his liver, and removing his tendency to brooding and morbid thoughts. He feels differently, looks differently, acts differently, and thinks differently, and every one of the changes is for the better. Finally, his period of probation is passed. He has established himself as a fixture at the second table. Then he looks ahead once more.

The Nirvana of prison circles is as yet unattained. It is a Nirvana of hard work rather than luxurious ease, but its delights are very alluring. They consist of the succulent chop and the

sizzling steak. Brown-crested bread puddings inflame the sensuous appetite, while corn bread and hot rolls are not figments of the imagination, but absolute and attainable realities. The desire to please the authorities now develops strongly. The goodwill of the Captain becomes a consummation devoutly wished, because the judgment of the Captain alone upon the work performed determines whether the prisoner's energy and skill combined entitle him to promotion. Convicts, as a class, are of small mental force, and the moral forces, such as ambition, operate more sluggishly with them than with men of finer organization; but the ambition to reach the first table seems to be general in its operation, and the typical convict exemplifies it.

The judgment of the work is perfectly impartial. It depends only upon a close watch of the men and a careful scrutiny of their results. Raised on probation to the third table, the bill of fare becomes as follows :

Breakfast :—Mutton chops or beefsteaks, potatoes, stewed beans, five days in the week corn bread, two days hot rolls, syrup, and coffee.

Dinner :—Two days in the week soup of barley, macaroni, beans, or of rice and vegetables; two days, roast beef; one day, corned beef and cabbage; four days, roast mutton; two days, boiled rice; one day, sour crout; two days, salad; bread, potatoes, beans; bread pudding and tea daily.

Supper :—Four days, mutton chops or beefsteaks; two days, mutton or beef stew and hash; three days, cake; three days, cracked wheat and oat-meal; one day stewed apples and stewed prunes; bread, potatoes, beans, syrup, and tea daily.

The valuation of this food, through the same train of thought that has raised the prisoner to the third table, keeps him steadily at work to the extent of his ability. Descents from the second table to the first are not numerous; those from the third to the second are rare, and occur less from lacking industry than from an unlooked-for quarrel or some such impulsive infraction of discipline. The lesson of experience is, that when a prisoner gets to the third table he stays there.

There is a special supper given those who are called upon for extraordinary labor, which sometimes becomes essential. And there are some trifling details unnecessary to consider in this general outline. The fact, however, that this system works

exactly as well in practice as it would seem to in theory, can be verified by any one who chooses to visit the Folsom State Prison.

If he will stand on the veranda of the Warden's residence, during any hour in the working day, he will see three hundred men laboring with an untiring industry and an unabating energy that can be seen rarely, if at all, in the free factories or workshops of this country. Moreover, there is not a guard among them. The captain or his lieutenant may or may not stroll through the yard during the quarter of an hour while the visitor is looking on. The work goes on without relaxation under the convict bosses, and those bosses are as careful to fulfill their own spheres of duty as are the men they direct. The guards sit idly holding their rifles in the distant posts which environ the inner prison grounds, and but for them and the suits of gray and black stripes, the yard might be taken for one of the best drilled and most harmonious free quarries in this country. About two months ago the writer heard Mr. ———, a well-known iron-founder of San Francisco, say: "It is wonderful. Why, I am paying men the highest wages, but they don't work like that, and if I go up town for an hour or two the work drops down one-third."

The first aim of the system, to establish good health and physically fix the habit of work, is thus carried out. The second object, the removal of the effects of lacking or bad moral education, is done in a peculiar way. The prisoner is shown, not the badness, but the folly of crime.

It is useless to tell a prisoner that he is bad. He knows that already. It is almost useless—and the statement is made despite possible objection from religious reformers—to plead with him on a relative or sentimental plane. He either does not grasp or is not moved by the reasons thus given him for being good. But when it is made clear to him that he is a fool for committing crime, that he is thereby senselessly cheating himself of comforts in life to which he is entitled, he is instantly interested and rarely fails to see the point.

A religious instructor is by law made one of the officers of the prison. He addresses the prisoners upon moral and religious topics at intervals, and is allowed full freedom in administering all the good instruction and beneficial advice that his experience and studies furnish. The system, however, does not depend on

him to any great extent. The prisoner may sincerely repent, and may earnestly believe in religion, but none the less is he judged simply and solely by the work he accomplishes, and the time, his capacities considered, which he uses in doing it.

The kind of moral teaching that is constantly being conveyed to the prisoners in an informal, but none the less constant way, may be gathered from an interview which, like hundreds of others, took place near the close of last year between General John McComb, the present Warden and the inventor of the system, and one "Limerick," a departing prisoner, whose real name it is unnecessary to give.

Limerick was going out. He had served a six-years' sentence, which, by the credit system and good behavior, had been reduced to four years and two months. He was a big, brawny Irishman, who had originally possessed every capacity for success as a toiler, but he had been in prison during eighteen out of his twenty-seven years on the Pacific Coast. An unusual interest had been taken in his case, in consequence of the prevailing belief in penological circles that a "fourth-termers" is entirely irclaimable, and fixed for life in crime.

"Limerick," said the General quietly, "you are going out."

"Yes, Gin'ral."

"You have been here a little over four years, Limerick."

"Yes, Gin'ral."

"And during those four years you have obeyed every one of the prison laws, and they are a little troublesome at times. Aren't they, Limerick?"

"They are, Gin'ral."

"And during those four years you have worked six days out of the week, and worked as hard as any man ever worked. Do you know that, Limerick?"

"Yes, Gin'ral."

"Well, all I wish to say to you is this: Remember that the world you are going out into is exactly like this prison. There are a good many laws, but they are very easy to obey, because nearly everybody obeys them. If you disobey them, you will be punished just as we would punish you here if you disobeyed ours. All men must work, Limerick. That is the first of all laws. Now, if, when you go out, you will obey the laws and work only half as hard, of your own accord, as you have, of your own accord,

worked here, you can have good clothes, better food than you get here, recreation and freedom, and, instead of being locked in behind stone and iron bars, be a man among men. Are you coming back, Limerick ?”

The man’s brow knitted. There was no doubt that he was in earnest, for his voice was husky as he said :

“ I’m not comin’ back. I’m no fool, sir. Av I’d learned twenty years ago what I’ve learned here, it’s not me as ud be trowin’ away me life in jail.”

And Limerick has not come back, and will not.

He is working steadily and comfortably, no matter where. But there is no man in his vicinage who appears less likely to cost the county a criminal trial, and the State a prisoner’s maintenance, than he.

This practical lesson in practical morality is constantly conveyed to the prisoners, sometimes by a collective discourse, but oftener in the off-hand, quiet talks from the Captain or some of his aids to the prisoners in the daily contact of years. The character of the conversation varies with the characteristics of the man talked to. The men who are able to study the laws of right and wrong, and their fundamental basis, are very few. It is demonstrable to any advanced mind that the laws of morality and the laws of happiness are identical, but no such demonstration or wordy abstractions are employed with the prisoners, whose thought-capacity is very limited. The lesson conveyed is simple. It is only : “ It pays to be good ; it does not pay to be bad. And any man who commits crime in preference to working honestly for his living, only brings unhappiness upon himself, and is foolish so to do.”

It may safely be said that the system has already proved its utility. A number of discharged prisoners again commit crime, but the percentage is gratifyingly small. The system speaks for itself, and if perfect statistics were obtainable, would undoubtedly prove its value by clear mathematics. In the matter of expense, it necessitates only a trifling outlay, since the food is little more than ordinary fare, the difference being in the cooking alone, while the result in labor is a great and direct gain. Instead of the prison’s value as a deterrent being diminished by the appetizing food, it appears to be clearly augmented, since re-convicted prisoners, after a trial of Folsom, prefer to be sent to the other

prison, San Quentin, where there are opportunities for idleness, the shops employing only a minority of the thirteen hundred convicts.

General McComb, whose broad and gentle charity, keen discernment, and rare executive ability have united in developing the system as it stands at present, has had many difficulties to encounter, and is still some distance from his ideal results. He has had to disturb many traditions, always a dangerous thing to attempt, and particularly so when in a political office and subject to criticism from partisan newspapers. Belonging to a party not in power, efforts which, to the credit of California's people be it said, have failed, have at times been made to vacate his place for the benefit of some clamorous henchman from the other ranks. Moreover, the short-sighted hewers of wood and drawers of water, the class who represent more votes than dollars in taxable property, are constantly endeavoring to interfere with a system whose only object is the common good, by declaring that prisoners shall not be taught to work at any trade. It is to be hoped that they will not succeed in producing any substantial changes, for the trial of this plan is of much more importance nationally than to a single State. If they do so succeed, it will simply add one more fact to that collection by which statesmen will soon be able to tell whether the intelligence of this country is destined to rule it for its good, or the ignorance of it for its harm.

It is greatly desired, further, that some supplemental machinery shall be devised by which the prisoner may be taken care of, after his release, until he has passed the dangerous shoals of the grog-shops, and anchored safely in the harbor of steady work. The Prison Commissioners, Messrs. John Boggs, W. C. Hendricks, Charles Sonntag, J. H. Wilkins, and R. T. Devlin, are also the Penological Commissioners of the State, and they have this matter in hand. They are deeply interested in the system, and are according it their intelligent support: so the prospect is, that, whenever the Legislature has disposed of matters of graver import, the system will have an important adjunct to its success.

HENRY J. W. DAM.